



MAIL

Paper No. 9

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JUL 03 2002

In re Application of
Fujisaki
Application No. 09/532,753
Filed: March 22, 2000
Attorney Docket No.: 450100-3477.3
For: DIGITAL SERIAL DATA INTERFACE

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600
DECISION ON PETITION

This is a decision in response to the petition filed May 10, 2002, to withdraw the holding of abandonment of the above-identified application.

The petitioner is **GRANTED**.

The application was held abandoned November 17, 2001 for failure to timely submit the issue fee as required by the Notice of Allowance and Issue Fee due re-mailed August 16, 2001. The Notice of Allowance and Issue Fee Due set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed April 4, 2002.

Petitioner asserts non-receipt of the Notice of Allowance and Issue Fee Due.

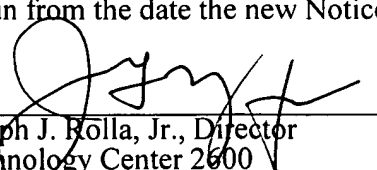
In the absence of any irregularity in the mailing of the Notice of Allowance and Issue Fee Due, there is a strong presumption that the Notice of Allowance and Issue Fee Due was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Issue Fee Due was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Office records indicate the Notice of Allowance and Issue Fee Due was properly re-mailed to the practitioner of record at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Notice of Allowance and Issue Fee Due on the part of the United States Patent and Trademark Office.

In support of the petition, petitioner has provided a copy of the docket record where the Notice of Allowance and Issue Fee Due would have been entered had it been received along with a statement from practitioner that a search of the docket record and file jacket indicated that the Notice of Allowance and Issue Fee Due was not received.

In view of the evidence presented, the Notice of Abandonment is hereby **VACATED** and the Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Issue Fee Due. The time period for response will be set to run from the date the new Notice of Allowance and Issue Fee Due is mailed.


Joseph J. Kolla, Jr., Director
Technology Center 2600
Communications